IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY THE SEVENTH DAY OF OCTOBER

TWO THOUSAND AND FOUR

PRESENT :

THE HON'BLE **SRI DEVINDER GUPTA**, THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE **C.V.RAMULU**

WRIT PETITION No. 17970 of 2004

Between:

Syed Khadeer

…Petitioner

and

1. The District & Sessions Judge, Nizamabad
2. The Junior Civil Judge, Bodhan Nizamabad District
3. The Junior Civil Judge, Banswada, Nizamabad District
4. M.Devender, Junior Assistant, Junior Civil Judge's court, Banswada, Nizamabad District

…Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court will be pleased to issue a writ, order or direction more in the nature of writ of CERTIORARI call for the records relating to the order passed by the first respondent vide order Dis.No. 7645 /Admn.File NO. 9/2004 dated 25-9-2004 and quash the same by duly declaring the order passed by the first respondent transferring the petitioner from the court of Junior Civil Judge, Bodhan to Junior Civil Judge, Banswada and further deputed the petitioner to work at Junior Civil Judge's court, Yellareddy as a measure of punishment and posting the 4th respondent in his place and that to before submitting his explanations which was called for by the first respondent by issuing a Memo Dis. NO. 7416 dated 20-9-2004 which was issued based on a complaint said to have been filed by the T. Rama Goud leveling certain allegations without causing any further enquiry and without holding the petitioner guilty of any misconduct is nothing but arbitrary, unreasonable and contrary to the well settled principles of law laid down while adjudicating the cases arising out of subject transfer .

The petition coming on for hearing, upon perusing the petition and the affidavit filed therein and upon hearing the arguments of MR. V.Ravi Kiran Rao Advocate for the petitioner and Mrs. M.Bhaskara Lakshmi, SC for APHC on behalf of the respondent

The Court made the following

ORDER:

"Reply affidavit be filed by the respondents.

We will make it clear that we are not suspending operation of the impugned order, but the action of the respondents, shall not prejudice the petitioner's case as set out in the writ petition.

List after two weeks."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The District & Sessions Judge, Nizamabad
2. The Junior Civil Judge, Bodhan Nizamabad District
3. The Junior Civil Judge, Banswada, Nizamabad District
4. M.Devender, Junior Assistant, Junior Civil Judge's court, Banswada, Nizamabad District

5 One Spare Copy

YVN

HIGH COURT

HCJ
&
CVRJ

DATED: 7-10-2004

NOTE: LIST AFTER TWO WEEKS

ORDER
W.P.NO. 17970 OF 2004

DIRECTION

HIGH COURT

YVN
DRAFTED ON: 12-10-2004

HCJ
&
CVRJ

DATED: 7-10-2004

NOTE: LIST AFTER TWO WEEKS

ORDER
W.P.NO. 17970 OF 2004

DIRECTION